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AND RELATED LITIGATION

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DATE: October 13, 2005

RE: Serial No. 10/695,380; Filed:
October 28, 2203; Applicants:
Paul A. Spence et al.; Title:
Heart Valve Repair Apparatus
and Methods; Conf. No. 5321;
Our Ref.: SPEN-03C

TO: Examiner William H. Matthews **FROM:** Kevin G. Rooney
Group Art Unit 3738

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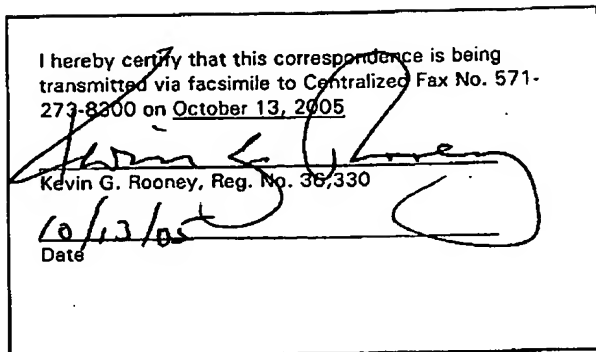
PLEASE DELIVER TO EXAMINER MATTHEWS IMMEDIATELY

Enclosure: Notice of Appeal including Request for Extension of Time and authorization to charge fees to deposit account

PATENT

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OCT 13 2005



Applicants: Paul A. Spence et al.
Serial No.: 10/695,380
Filed: October 28, 2003
Art Unit: 3738
Examiner: William H. Matthews
Conf. No.: 5321
Title: HEART VALVE REPAIR APPARATUS AND METHODS
Atty Docket No.: SPEN-03C

Cincinnati, Ohio

October 13, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed May 16, 2005 finally rejecting claims 7-8.

The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of

10/14/2005 HDEMESS1 00000053 233000 10695380
02 FC:2252 225.00 DA

☐ other than a small entity.
☒ a small entity.

10/14/2005 HDEMESS1 00000053 233000 10695380
01 FC:2401 250.00 DA

-1-

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

[X] small entity \$250.00
 [X] other than a small entity \$500.00

Notice of Appeal fee due \$250.00

3. Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) X Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<u> </u> one month	\$ 120.00	\$ 60.00
<u> X </u> two months	\$ 450.00	\$225.00
<u> </u> three months	\$1,020.00	\$510.00
<u> </u> four months	\$1,590.00	\$795.00

Fee \$ 225.00

 Attached is a check in the amount of \$ for the three month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

 An extension for months has already been secured and the fee paid thereof of \$ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$.

OR

(b) Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

3. Total Fee Due

The total fee due is:

Notice of Appeal fee	<u>\$250.00.</u>
Extension fee (if any)	<u>\$225.00.</u>

Total Fee due \$475.00

4. Fee Payment

____ Attached is a check in the sum of ____.

X The Commissioner is hereby authorized to charge the amount of \$475.00 for the appeal fee to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

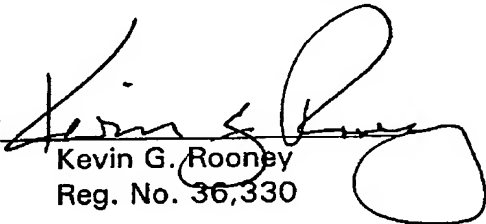
5. Fee Deficiency

XX Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By


Kevin G. Rooney

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